

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
AD FX INTERNATIONAL FUND LLC,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.  
-----X

05 Civ. 10798 (VM)

ORDER

<b>USDS SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: <u>6-19-07</u>
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**VICTOR MARRERO, United States District Judge.**

By Order dated April 30, 2007, having noted that no correspondence with the Court or other proceedings had been recorded in this action since the case was put on suspense on April 26, 2006, the Court directed that by May 4, 2007, plaintiff herein clarify the status of this action and indicate whether any further proceedings were contemplated. The Court indicated that in the event no timely response had been made to this Order by the date indicated the Court may direct that the action be dismissed and the case closed. A review of the Docket Sheet for the matter indicates that plaintiff's counsel was subsequently granted leave to withdraw. The only other response to the Court's April 30, 2007 Order was a letter from Orrin Televitz, Esq., indicating that he represents the plaintiff and although plaintiff did not anticipate further proceedings in this action, requested on behalf of plaintiff, without giving any reasons, that the action not be dismissed and the case remain open. Accordingly, it is hereby

**ORDERED** that the Clerk of Court is directed to dismiss the complaint herein without prejudice and to close this case, provided that within ten (10) days of the date of this Order plaintiff, for good cause shown, may

request reinstatement of the action to the Court's active docket. In the event no such timely request is made the case shall be deemed dismissed with prejudice.

**SO ORDERED.**

Dated: New York, New York  
18 June 2007

A handwritten signature in black ink, consisting of several stylized, overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

VICTOR MARRERO  
U.S.D.J.

Orrin Tilevitz, Esq.  
950 Third Avenue, Suite 2300  
New York, NY 10022  
(212) 329-2663

May 3, 2007

BY FAX: 212-805-6382  
The Honorable Victor Marrero  
United States District Court  
Southern District of New York  
40 Centre Street, Room 414  
New York, NY 10007

Re: AD FX International Fund, LLC v. United States  
05 Civ. 10798(VM)

Dear Judge Marrero:

I represent the plaintiff in the above-reference action, in which plaintiff AD FX International Fund, LLC challenges a Notice of Final Partnership Adjustment issued by the Internal Revenue Service.

This letter is in response to your honor's order, dated April 30, 2007, that the parties herein clarify the status of this action and indicate whether any further proceedings are contemplated herein. I first saw a copy of this order last night. Today I have attempted, but so far have been unable, to reach AUSA David Kennedy, whom I believe is representing the United States in this action.

A year ago, the United States requested, and the plaintiff consented, to stay proceedings in this case pending the resolution of certain other matters. These matters have not yet been resolved, and the plaintiff does anticipate further proceedings in this action. Accordingly, I respectfully request that this action NOT be dismissed and the case NOT be closed.

Sincerely,



Orrin Tilevitz

cc: AUSA David Kennedy (via e-mail: David.Kennedy2@usdoj.gov)